#### TENDER DOCUMENTATION

#### issued in the open procedure pursuant to

#### Act No. 137/2006 Coll., on Public Contracts, as amended (hereinafter the “*Act*”)

#### for

#### an above-the-threshold public contract for supplies

**TP14\_143 Vacuum components branch L1-E1 including supporting frames II**

# Basic information

|  |  |
| --- | --- |
| Contracting Authority: | Fyzikální ústav AV ČR, v. v. i.  Na Slovance 2  182 21 Praha 8  IČO: 683 78 271  DIČ: CZ68378271  Represented by: prof. Jan Řídký, DrSc., the Director  (hereinafter the „**Contracting Authority**”). |
| Authorized representative: | HOLEC, ZUSKA & Partneři, sdružení advokátů  Palác Anděl, Radlická 1c/3185  150 00 Praha 5  IČO: 662 31 051  DIČ: CZ5912220776  Responsible Partner: JUDr. Karel Zuska  Contact person: JUDr. Lubomír Lanský  email: zakazky@holec-advokati.cz  tel.: +420 296 325 235  fax.: +420 296 325 240  (hereinafter the “Authorized Representative“). |
| Legal form: | Above-the-threshold public contract for supplies administered in the form of open procedure |
| Subject matter of the Public Contract (name): | TP14\_143 Vacuum components branch L1-E1 including supporting frames II |
| Classification of the subject matter (classification of the supply): | CPV 38000000-5  CPV 44142000-7  CPV 42122500-5 |
| Timing: | Anticipated commencement date **December 2015** and required completion date **August 2016** |
| Legal issues not expressly regulated herein: | Legal issues related to the Open Procedure and the Public Contract which are not expressly regulated herein shall be governed by the relevant provisions of the Act. |
| Cost of providing this TD: | Free of charge |
| Deadline for submissions of Bids: | **18.12. 2015** at **14:00 hours** |
| Foreseen value of the tender | 520 000 EUR excluding VAT |

# Preamble

This Tender Documentation (hereinafter the „***TD***“) has been elaborated analogically pursuant to Sec 44 and following and Sec 27 of the Act.

The TD represents a set of detailed requirements, documents, information, technical, business and other terms, which were determined by the Contracting Authority necessary for the submission of a bid.

The Contracting Authority reserves the right to implement any changes to this TD in accordance with the law at any moment before effective submission of the bid.

The Contracting Authority is the beneficiary of a subsidy from the Ministry of Education, Youth and Sports of the Czech Republic for the project “ELI: EXTREME LIGHT INFRASTRUCTURE”, reg. No. CZ.1.05/1.1.00/02.0061, within the Operational Programme “Research and Development for Innovations”, priority axis 1 European Centres of Excellence, area of support 1.1 European Centres of Excellence (hereinafter the “**ELI-Beamlines Project**“).

With a view to successful implementation of the ELI-Beamlines Project, it is also necessary to provide for the subject of performance of this Public Contract.

# The subject of the performance of the Public Contract

The subject matter of the Public contract is delivery Vacuum components branch L1-E1

including supporting frames. Detailed description of the subject matter is listed in Annex

No. 3 – Technical Specifications and Annex No 4 - Contract for Work (hereinafter the

“**Works**”).

## The Contracting Authority requires that the subject of the performance must involve completely new, unused equipment.

## If the offered equipment does not conform to the aforementioned technical specifications, the Supplier's bid will be eliminated from the tender proceedings and the Supplier will be excluded. To this end, the Contracting Authority hereby reserves the right to verify the accuracy of the technical specifications set out in the bid (for example, by remeasuring a real sample) at the Supplier's expense. For the purpose of evaluating the guaranteed technical parameters, the Supplier shall state exact and specific trademark of the offered goods.

## Transport and packaging of the device and all its components for clean room, and post-warranty service shall all form an integral part of this public contract’s subject matter.

## If the commercial names of some products or any other designations which are related to a specific supplier appear in the TD, this merely involves the definition of the expected characteristics and the bidder is authorized to propose other technically and qualitatively comparable solutions.

# Estimated Value of Public Contract

## The estimated value of the Public Contract is 520 000 EURO excluding VAT.

## At the same time, the expected (estimated) value **is also the maximum level for the bid price** and the tender caller requires that this limit not be exceeded by the bid price as a commercial condition of the tender. The evaluating committee will consider any bids with a bid price in excess of the designated limit to constitute bids which have not met the tender conditions and it will therefore exclude them. The Contracting Authority will then exclude any bidders who have submitted bids with a bid price in excess of the designated limit from any further participation in the tender proceedings.

# The time and place of the performance of the Public Contract

## Anticipated commencement date: December 2015

## Anticipated completion date: August 2016

## The delivery and system verification of the instrument will take place at the Eli- Beamlines laser center in Dolní Břežany, the Czech Republic.

# The constituent elements of a Bid

The constituent elements of a Bid shall, in addition, be constituted by (see Annex No. 3 to the TD):

**(a)** the list of statutory bodies or members of such statutory bodies who have been in the preceding 3 years following the end of the time limit to submit tenders in an occupational, functional or any other relationship of that kind to the contracting entity,

**(b)** the list of shareholders, compiled within the time limit for the submission of tenders, having their total nominal value of their percentage of shares higher than 10 % of the equity capital, if the economic operator holds the form of a joint stock company,

**(c)** the declaration by the Supplier that it has neither concluded nor will conclude the contract banned under separate legal regulation in the context with the public contract which is being awarded.

# Technical conditions

## Technical conditions and terms of performance hereunder are defined in more detail in **Annexes No. 4** hereto, which is **Binding draft contract** and in **Annexes No** 3 Technical Specification.

# Qualification

For the qualification requirements see the Annex No. 7 hereto.

# Recommended structure of a bid

## The Contracting Authority recommends that the bid is divided in accordance with the following outline.

The bid shall contain the following sections:

### Cover sheet

### Table of contents of the bid

### Qualification Documentation

### Affidavit according to sec. 68/3 of the Act

### Price Bid breakdown (Annex No. 5)

### Price Bid Table (excel sheet) (Annex No. 6)

### Technical concept document

### Signed contract including attachments and appendices

# Payment terms

## The consideration for the performance of the Public Contract shall be paid by the Contracting Authority according to the rules defined in Annex No. 4 – Contract for work.

# Evaluation criteria

## Should the Contracting Authority receive only one bid the evaluation of bids shall not take place.

## Otherwise the bids shall be evaluated in accordance with Section 78 (1) b) of the Act on the basis of the bid price (**lowest bid price)**. Contracting Authority will evaluate the total bid price in EUR excl. VAT.

## The evaluating committee will evaluate the amount of the Supplier's total bid price for the subject of the performance of the public tender. The amount of the Suppliers's bid price without VAT will be evaluated according to its absolute amount in EUR.

The Total bid price parameter will be calculated in accordance with the ratio between the lowest proposed bid and the evaluated one. This ratio will be multiplied by 100 so that the total evaluation will be based at 100% on the price itself.

The Cheapest (lowest) bid price

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ x 100

The evaluated bid price

## The evaluation of the bids will be realised by the members of the evaluating committee appointed by Contracting Authority in accordance with the law.

# Requirements for processing of the Bid

## The bid will be elaborated in written form, in the English or Czech language, in accordance with the requirements of the Contracting Authority as specified in this TD and in accordance with the Act; nonobligatory parts of the bid (e.g. preliminary quotes by subcontractors) may remain in any original language.

## The bid will be submitted in hard copy. For bids in hard copy there shall be 1 (one) original submitted and 1 (one) paper copy shall be welcome by the Contracting Authority;

## additionally, CD or other electronic media containing the scanned form of the bid documents will be enclosed.

## The original of the Bid must be clearly labeled "**ORIGINAL**" on the front page in the upper right corner; the copy of the Bid will be labeled the front page in the upper right corner as a "COPY".

## The bid will be printed/scanned so that is clearly legible and the paper shall be firmly bound, including all attachments. The Bid shall not contain corrections, crossed out words and other irregularities, which could be misleading;

## Original bid submitted in hard copy / paper form will be secured against tampering with single pages, e.g. tied with a string, with loosed ends of the string taped over and sealed. If the bid is submitted in loose-leaf binder (or a similar) it must be secured against possible manipulation of individual sheets, but so that it is possible to turn the pages in the Bid without obstacle.

## All sheets of the original bid submitted in hard copy / paper form will be numbered by uninterrupted ascending numerical series beginning with number 1 on the table of contents of the bid (may be handwritten). The title page of the bid or leaves separating individual sections shall not be numbered. If the bidder inserts into the bid a separate document, which is already numbered, the Bidder shall number these clearly and distinctly again to maintain uninterrupted sequence.

## The bid submitted in hard copy / paper form shall be submitted in the prescribed number of copies in a single, non-transparent, sealed and completely intact envelope or other container.

# Affidavits

## The Supplier shall submit the affidavits in accordance with Section 68 of the Act and on economical and financial readiness (in accordance with Annex No. 2 and 2 a) to this TD).

# Signed Contract including Attachments and Appendices

## The Supplier will submit Contract contained in the Annex No. 4 to this TD including all its appendixes and attachments.

## The contract have to be signed by a person fully authorized to act on behalf of the Supplier.

## Unless stipulated otherwise, the Supplier is not entitled to implement any changes to the wording of the contract except for filling in of any missing data.

## Any deviation from the version of the contract attached to this TD (other than spelling corrections, changes in formatting or graphics) shall result in non-compliance of the bid, in which case the Supplier shall be excluded by the Contracting Authority from the participation in the award procedure.

# Place, time and manner of submission of Bids

## The Bid in hard copy / paper form shall be submitted in a sealed envelope as follows:

## The upper left front corner of the envelope (package) will be marked with **bidder identification data** and the full name of the Negotiated Procedure ("**TP14\_143 Vacuum components branch L1-E1 including supporting frames II**") and below the text "**Do not open before the opening session!**"

The address of the Authorised representative for the submission of Bids:

**HOLEC, ZUSKA & Partneři, sdružení advokátů**

**Palác Anděl, Radlická 1c/3185**

**150 00 Praha 5**

will be normally given in the lower right corner.

## The bid in hard copy / paper form will be delivered personally, by registered mail or courier to the Authorised representative address during office hours, i.e. Monday - Friday 9:00 a.m. to 6:00 p.m.

## The deadline for submissions of Bids shall expire on **18.12.2015** at **14:00 hours** Prague local time (the "**Deadline**").

## The delivery time for submissions in hard copy / paper form shall be considered the time when the Authorised Representative takes receipt of the Bid.

## Bids submitted or received after the expiry of the deadline will not be unsealed /opened. The Contracting Authority shall promptly notify the Supplier that his Bid was submitted after the Deadline, in accordance with Sec71(6)of the Act.

# Date, place and procedure for opening envelopes with Bids

## Opening of envelopes with bids will be held on **18.12.2015 at 14:00 hours Prague local time** at the address HOLEC, ZUSKA & Partneři, sdružení advokátů, Palác Anděl, Radlická 1c/3185, 150 00 Praha 5. Representatives of bidders whose Bids have been duly received by the Deadline shall have the right to attend the opening of the envelopes. For organizational reasons, the number of representatives for each bidder shall be limited to one individual.

## The commission for the opening the envelopes established in accordance with the Act shall proceed in accordance with Sec 71 et seq. of the Act. Envelopes of the bidders who duly submitted the bid will be opened in the order they were received by the Contracting Authority. After opening each envelope, the commission shall check the completeness of the bid and notify bidders whether the bid is deemed to have been submitted complete.

## The committee shall open the envelopes with bids according to the serial number of the received bid and verify whether the bid has been processed according to § 71 sect. 7 of the Act (etc. in the required language, whether the draft contract has been signed by an authorised person). After this verification, the committee shall inform the present bidders about the following:

## the supplier’s identification data (i.e. the trade name or the name and surname, company seat or address)

## whether the offer is according to § 71 sect. 7 of the Act

## the total offer price.

# Additional Information to tender conditions, visit to site of performance

## The bidder is entitled to require in writing from the Contracting Authority via Authorised Representative additional information relating to tender conditions. The request in writing shall be delivered to the Authorised Representative not later than 6 working days prior to the expiry of the time limit for the submission of tenders. The Contracting Authority will appreciate if the bidders will formulate **potential questions regarding the tender in English language** in order to maintain terminology used in the Technical Specification and avoid misunderstanding.

## The Authorised Representative shall provide the additional information relating to tender conditions and, if appropriate, supporting documents, not later than within 4 working days as from the date of delivery of the request.

## The Contracting Authority will provide additional information to the procedure in line with Sec 49 of the Act. Additional information, including the exact wording of the original query, will be sent to all suppliers that have been supplied with such a tender documentation.

## The Contracting Authority shall not organize a visit to the site of performance.

# The tender allocation period

## The tender allocation period commences as of the expiry of the deadline for the submission of bids and it amounts to a total of 90 days. The bidders are bound by their bids throughout this period.

# The surety

## The Contracting Authority does not require the provision of surety.

# Bid variants

## The Contracting Authority will not admit any bid variants.

# Rights of the Contracting Authority

The Contracting Authority further reserves the following rights and conditions:

the Contracting Authority will not return submitted bids;

the Contracting Authority does not accept alternative bids;

the Contracting Authority will not compensate bidders for any costs or expenses incurred by the bidders during participation in the Procedure.

In Prague ............... 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

prof. Jan Řídký, DrSc., the Director

**Annexes to the TD**:

Annex No.1 – Form cover sheet

Annex No. 2 – Affidavit according to sec. 68 of the Act

Annex No. 3 – Technical specifications (Requirements Specification Document + Verification Control Document)

Annex No. 4 - Contract for work

(including appendices)

Annex No. 5 – Price Bid breakdown

Annex No. 6 – Price Bid Table (excel sheet)

Annex No. 7 – Qualifications documentation

Annex No.1 to the TD – Form cover sheet

#### Cover sheet

#### Bid for a public contract “TP14\_143 Vacuum components branch L1-E1 including supporting frames II”

Contracting Authority: Fyzikální ústav AV ČR, v. v. i., Na Slovance 2, 182 21 Praha 8

|  |  |  |
| --- | --- | --- |
|  | General information on Supplier | |
| Name / Business name | | [to be filled in] |
| Seat / place of business | | [to be filled in] |
| Legal form | | [to be filled in] |
| ID  Tax ID  Banking details  Telephone  Fax  E-mail | | [to be filled in] |
| Authorized representative | | [to be filled in] |
| Contact address | | [to be filled in] |
| Contact persons for matter related to public contract:  Contact address  Email  Telephone  Fax | | [to be filled in] |
| Total Bid Price in EUR without VAT | | [to be filled in] |

The Supplier hereby declares that the Supplier, the Supplier 's next of kin, the Supplier 's employees, the Supplier 's subcontractors and the employees and next of kin of the Supplier 's subcontractors have not been involved in the preparation of the tender documentation for this public tender. The Supplier hereby declares that it has not prepared the bid in association with any other supplier which has submitted a bid within the framework of these tender proceedings.

..............................................

Date and Authorized representative signature

Annex No. 2 – Affidavit according to sec. 68 of the Act

**TP14\_143 Vacuum components branch L1-E1 including supporting frames II**

Affidavit

The Supplier – a corporation [add business name], with registered offices in [fill in], ID [fill in], acting through its [fill in],

Pursuant to Sec 68(3)(a) of the Act we hereby submit a list of statutory bodies and their members **who were** in the last three years prior to the date for submission of bids **in an employment, functional or other similar relationship** **with the Contracting Authority**:

(Supplier provides names and dates of birth of any such persons)

|  |  |
| --- | --- |
| Name | d.o.b. |
|  |  |
|  |  |
|  |  |

OR

We hereby solemnly declare that **none** of statutory bodies or their members were in the last three years prior to the date for submission of bids in an employment, functional or other similar relationship with the Contracting Authority .

**(Supplier leaves the text as applicable)**

Pursuant to Sec 68(3)(b) of the Act we hereby provide a list of shareholders, who hold shares exceeding 10 % of the registered capital, as of the date for submitting the bids:

**(Supplier who has the legal form of a joint stock company shall submit the required list)**

If the Supplier has not the legal form of a joint stock company:

We hereby solemnly declare that we do not submit a list of shareholders as we have not the legal form of a joint-stock company.

**(Supplier leaves the text as applicable)**

We hereby solemnly declare in accordance with Sec 68(3)(c) of the Act that the Supplier has not and will not conclude a prohibited agreement as required by Act No. 143/2001 Coll., on the Protection of Economic Competition, as amended, in connection with the present public contract.”

In  \_\_\_\_\_\_\_\_ on \_\_\_\_\_\_ 2015

..........................................................................

[Business name – statutory representative / attorney for the Supplier – to be filled in by Supplier]

Annex No. 2a

to the TD – Affidavit on Economic and Financial Readiness to Fulfill the Tender.

Affidavit

given pursuant to Sec. 50 (1) (c) of the Act No. 137/2006 Coll., on Public Contracts (hereinafter the “Act”)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Supplier – a corporation [*add business name*], with registered offices in [*fill in*], ID [*fill in*], acting through its [*fill in*], hereby solemnly declares that given the present information he is financially and economically ready to fulfill the tender **TP14\_143 Vacuum components branch L1-E1 including supporting frames II** in the extent and deadlines set by the Contracting Authority as they are defined by the tender documentation.

In  \_\_\_\_\_\_\_\_ on \_\_\_\_\_\_ 2015

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[Business name – statutory representative / attorney for the Supplier – to be filled in by Supplier]

Annex No. 3 –

Technical specifications (Requirements Specification Document + Verification Control Document)

TP14\_143 Vacuum components branch L1-E1 including supporting frames II

(attached as a separate file)

Annex No. 4 –

Contract for work (including appendices)

TP14\_143 Vacuum components branch L1-E1 including supporting frames II

(attached as a separate file)

Annex No. 5 – Recommended structure of Price Bid breakdown

TP14\_143 Vacuum components branch L1-E1 including supporting frames II

Price of Deliverables hereof

|  |  |  |  |
| --- | --- | --- | --- |
| Deliverable | Price of Deliverable excl. VAT - **EUR** | VAT in % | Price of Deliverable incl. VAT |
| D1 | ADD | ADD | ADD |
| D2 | ADD | ADD | ADD |
| D3 | ADD | ADD | ADD |
| D4 | ADD | ADD | ADD |
| D5 | ADD | ADD | ADD |

|  |  |  |  |
| --- | --- | --- | --- |
| The total Price of the Work (e.g. for all Deliverables D1 to D5) | ADD  *This total price shall be added by the Contractor into Art. X para 1 of the Contract for Work* | ADD | ADD |

Declaration

The data contained herein may be forwarded to third persons for the purposes of bid assessment including the execution of independent expert opinions in compliance with the Research and Developement Operational Program rules.

In  \_\_\_\_\_\_\_\_ on \_\_\_\_\_\_ 2015

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[Business name – statutory representative / attorney for the Supplier – to be filled in by Supplier]

Annex No. 6 – Price Bid Table

TP14\_143 Vacuum components branch L1-E1 including supporting frames II

See separate document (excel).

Annex No. 7 – Qualifications documentation

TP14\_143 Vacuum components branch L1-E1 including supporting frames II

See separate document